

RESULTS OF INVESTIGATION: The leaflets and folders were printed for the consignee at St. Paul, Minn., and accompanied the tablets at the time of sale.

LABEL, IN PART: (Drum) "Each tablet contains Pacific Kelp 5 gr. * * * Caution: For Repackaging Use Only"; (bottle) "500 Tablets * * * Bemis Kelp (Pure Pacific Sea Kelp) These tablets are dehydrated, compressed, pure sea kelp, without binder or coating Essential Minerals * * * Elements: 18 Tablets Contain Calcium 61.0 Milligrams Iodine 5.83 Milligrams Phosphorus 19.0 Milligrams Iron 2.6 Milligrams Chlorine 760.0 Milligrams Potassium 648.0 Milligrams Sodium 211.0 Milligrams Sulphur 58.0 Milligrams Magnesium 44.0 Milligrams Also small amounts of all the trace elements. Directions For Use As A supplement To Regular Diet."

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements in the above-mentioned leaflets and folders were false and misleading. The statements represented and suggested that the article was effective to supply all the mineral elements required in human nutrition; to insure proper nutrition; to promote longer, better, and happier life; to prevent defective teeth; to prevent cancer; and to prevent practically the entire gamut of diseases. The article was not effective for such purposes.

Further misbranding, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its mineral content, and its label failed to bear as required by the regulations a statement of the proportions of the minimum daily requirements for calcium, phosphorus, iodine, and iron supplied by the article when consumed in a specified quantity during a period of one day.

The article was misbranded in the above respects while held for sale after shipment in interstate commerce.

DISPOSITION: April 12, 1954. Default decree of destruction.

21350. Misbranding of Super-5 Food Tabs. U. S. v. 3 Cases, etc. (F. D. C. No. 30771. Sample No. 5339-L.)

LIBEL FILED: March 12, 1951, District of Massachusetts.

ALLEGED SHIPMENT: On or about January 11, 1951, by Universal Nutritions, Inc., from Great Neck, Long Island, N. Y.

PRODUCT: Super-5 Food Tabs. 3 cases, each containing 24 100-tablet bottles, and 38 400-tablet bottles, at Wollaston, Mass.

LABEL, IN PART: (Bottle) "Tablets Super-5 * * * Brand of Food Tabs Each tab contains 11 grains of a mixture of the following dried and compressed: Brewer's Yeast Powder, Pure Wheat Germ, Blackstrap Molasses, Skim Milk Powder, Fresh Yogurt."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements "Super-5 * * * Food Tabs * * * Brewer's Yeast Powder, Pure Wheat Germ, Blackstrap Molasses, Skim Milk Powder, Fresh Yogurt This food is designed for those who wish to add the ingredients listed to their daily diet" were false and misleading. The statements represented and suggested that the article, when used as recommended, namely, "4 tabs or more with each meal," would supply nutritionally significant amounts of the declared ingredients, whereas the article, when used as recommended, would not supply nutritionally significant amounts of the declared ingredients.

DISPOSITION: Universal Nutritions, Inc., claimant, filed an answer denying that the product was misbranded as alleged in the libel. Thereafter, on May 10, 1951, on motion of the claimant, the case was removed for trial in the Eastern District of New York. The claimant subsequently withdrew its answer, and on June 16, 1954, the court entered a decree of condemnation and destruction.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 21301 TO 21350

PRODUCTS

N. J. No.	N. J. No.
Anchovies, olives stuffed with_ 21325	Gin_ 1 21301
Anchovy fillets, canned_ 21325	Graham crackers_ 21309
B-Livron tablets_ 21348	Grape jam_ 21333
Bakery products_ 21307-21309	Haddock fillets, frozen_ 21326
Beans, mung, dried_ 21334	Jam, jelly, and preserves_ 21333
Beverages and beverage materials_ 1 21301-21303, 21339	Jelly. See Jam, jelly, and preserves.
Blackberry jelly and blackberry preserves_ 21333	Kelp tablets, Pacific_ 21349
Black-eyed peas, canned_ 21336	Macaroni and noodle products_ 21311
Blueberry muffin mix_ 21317	Milk, evaporated, and skimmed evaporated milk_ 21323
Brandy_ 1 21301	nonfat solids, dry_ 21324
Bread_ 21308	Mix, brownie_ 21317
Brownie mix_ 21317	doughnut_ 21312
Butter_ 21318, 21319	muffin, blueberry_ 21317
Cakes and cookies_ 21307, 21309	Muffin mix, blueberry_ 21317
Candy_ 21304, 21305	Mung beans, dried_ 21334
Cereals and cereal products_ 21307-21317	Mustard seed_ 21347
Cheese_ 21320-21322	Nuts and nut products_ 21340-21342
Coffee, green_ 21302, 21303	Oats (in packages)_ 21311, 21317
Cookies. See Cakes and cookies.	Olives with anchovies_ 21325
Cornmeal_ 21311	pimento_ 21335
Crabmeat_ 21328, 21329	Pacific kelp tablets_ 21349
Crackers, graham, and soda_ 21309	Peas, black-eyed, canned_ 21336
Dairy products_ 21318-21324	Pecan meats_ 21340, 21341
Doughnut mix_ 21312	Pepper, black, and white pepper_ 21346
Enriched flour_ 21313	Poultry_ 21343-21345
Fish and shellfish_ 21325-21330	Preserves. See Jam, jelly, and preserves.
Flavors. See Spices, flavors, and seasoning materials.	Raisins_ 21331, 21332
Flood-damaged distilled spirits_ 1 21301	Rice_ 21314-21316
Flour_ 21310-21313	Rum_ 1 21301
Fruits and vegetables_ 2 21331-21339	Shellfish. See Fish and shellfish.
fruit, dried_ 21331, 21332	Shrimp, canned_ 21330
jam, jelly, and preserves_ 21333	Sirup, sorghum_ 2 21306
tomatoes and tomato products_ 2 21337-21339	Sorghum sirup_ 2 21306
vegetables_ 21334-21336	Spaghetti. See Macaroni and noodle products.

¹ (21301) Seizure contested. Contains opinion of the court.

² (21337) Seizure contested.

³ (21306) Prosecution contested.